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TAGS: [EU](#) [PREL](#) [TU](#)

SUBJECT: TURKEY'S EU SCORECARD: SLOUCHING TOWARD BRUSSELS

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[B](#). ANKARA 341

[C](#). ANKARA 298

[D](#). 08 ANKARA 1395

Classified By: POL Counselor Daniel O'Grady for reasons 1.4 (b,d)

[1](#). (C) Summary: Since beginning its EU accession talks in 2005, Turkey has made partial technical progress toward meeting the membership requirements as prescribed by the *acquis communautaire*, resulting in the opening of 11 politically benign chapters. To further fulfill the Copenhagen criteria and to meet additional benchmarks for opening and closing *acquis* chapters, however, the GOT must now undertake controversial judicial and constitutional reforms and implement laborious and complicated technical standards. The EU has frozen 8 chapters and prohibited the closing of all others due to Turkey's refusal to open its ports to EU-member Cyprus as prescribed by the Additional Ankara Protocol. Intra-European politics has resulted in the unofficial abeyance of ten more chapters. Having exhausted all the low hanging fruit, Ankara needs to take bold steps to address long-standing European concerns if it wants to keep its EU aspirations on track. This is the second of three cables examining Turkey's EU accession bid. End Summary.

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EU Scorecard  
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[2](#). (C) Since beginning EU negotiations in 2005, Turkey has opened 11 *acquis* chapters (4,6,7,10,16,18,20,21,28, and 32) and closed one (25). Due to GOT refusal to open its ports and airports to Cyprus as mandated by the European Customs Union, the EU froze eight chapters (1,3,11,13,14,29, and 30) and prohibited the closing of others under the Additional Ankara Protocol in December 2006. GOT officials and EU-member diplomats here report an additional ten chapters (2,15,17,22,23,24,26,31,33, and 34) are in unofficial abeyance due to individual EU member objections. (NOTE: Chapter 35 (other issues) by definition will be the last chapter opened. END NOTE) Having exhausted all the low hanging fruit, the GOT has only five chapters (5,8,12,19, and 27) eligible for opening under the Swedish EU Presidency, unless it changes its Cyprus policies or other member states alter their positions.

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European Tempest in a Turkish Tea Cup  
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[3](#). (C) Tense bilateral relations with some EU-member nations has complicated Ankara's ability to formally advance in ten

of the 35 chapters. Cyprus is currently blocking chapters 15 (energy), 23 (judiciary and fundamental rights), and 26 (education and culture), according to Ankara-based European diplomats. In addition to bilateral discord, Cyprus has reportedly placed a halt to progress in chapter 15 due to an oil exploration dispute with Turkey in the Mediterranean. Nicosia has also protested opening chapters 23, insisting that the GOT assume responsibility for insuring Greek Cypriot rights in the "Turkish Republic of Northern Cyprus" (TRNC), and 26 until Lefkosa grants free access to the remaining Orthodox church in the "TRNC." (NOTE: The European Court of Human Rights found Turkey responsible for guaranteeing the rights of Greek Cypriots in the "TRNC." END NOTE) A UK diplomat told us that Germany and Denmark are also holding up chapter 26, making erroneous linkages to human rights requirements in chapter 23. (NOTE: Should Cyprus and other countries drop their objections to opening chapter 23, the GOT would still need to institute contentious judicial and constitutional reforms to meet opening benchmarks. END NOTE)

14. (C) Although chapter 2 (freedom of movement and workers) is only applicable to EU citizens working in Turkey, German and Austrian Governments are exerting pressure against its opening. This reportedly reflects a concern for giving the false impression to their constituents of supporting Turkish workers, access to European markets. Greece and other EU member states are protesting the opening of chapter 24 (justice, freedom, and security) until Turkey signs a readmission agreement to accept the illegal immigrants who enter Europe through its borders. The GOT has refused to concede without significant EU financial support to deal with

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the influx of third country nationals. Finally, European diplomats have told us that Turkey's perceived obstructionist behavior in NATO over European Security and Defense Policy (ESDP) cooperation and NATO Secretary General Rasmussen's selection has placed a de facto halt on progress on chapter 31 (foreign security and defense policy).

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High Hanging Fruit  
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15. (C) Opening the remaining unfrozen or unblocked chapters is contingent on implementing complex technical requirements and instituting contentious political reforms, which GOT officials repeatedly warned Brussels would not occur until after the March local elections (REFTELS). Three months later, however, the GOT has demonstrated little progress toward meeting that goal. European diplomats complain that Turkey has made little to no progress on meeting the opening requirements for chapter 5 (public procurement), although it admittedly contains difficult benchmarks. The GOT already attempted to address them by pushing through inadequate legislation without first consulting the European Commission (REF C). EU-member officials tell us Turkish politicians are hesitant to admit their oversight and to exert the political capital necessary to change the procurement laws a second time.

16. (C) Chapter 8 (competition policy) benchmarks mandate the GOT provide documentation on the distribution of state assistance and establish an independent state oversight body. Although the GOT could push through the necessary legislation by the end of the year, Turkey must also meet other sensitive requirements such as abolishing steel restrictions. Furthermore, in a system rife with accounting irregularities usually to the benefit of the ruling party, it is not likely the administration will advocate for transparency during a period when the opposition is looking for any advantage.

17. (C) The GOT is working toward meeting the complex criteria for chapter 12 (food safety, veterinary, and phytosanitary policy). This includes the daunting task of registering all Turkish farmland and livestock. The GOT is now acquiring the

software, but has neither operationalized its use nor executed an education program to explain to Turkish farmers its necessity. Furthermore, a UK diplomat explained to us that EU regulations mandate that an aspirant country have no reported case of hoof and mouth disease for a prescribed period of time. A 2007 outbreak in Thrace precludes opening chapter 12 until 2011, at the earliest.

18. (C) The GOT had hoped to open chapter 19 (social policy and employment) under the Czech presidency, but was unsuccessful due to delays in passing the new labor law. The Turkish media is reporting that PM Erdogan has ordered Labor and Social Security Minister Dincer to have the labor laws adopted by the end of the year, to include meeting with labor union leaders and parliamentarians to guarantee broad buy-in. A UK diplomat told us that the GOT submitted the draft labor law directly to Parliament without consulting the European Commission as to whether it meets EU benchmarks. Furthermore, the draft law refers to the "TRNC," which will likely inflame Cyprus, and fails to address civil servants, rights. Several EU-member Embassies speculate that the GOT is intentionally dragging its feet on chapter 19 in order to increase internal EU pressure on Cyprus to release its objection to chapter 15.

19. (C) Of the five chapters eligible for opening, Turkey is closest to meeting the criteria for chapter 27 (environment). The GOT has submitted its action plan to the European Commission for approval. However, Ankara must also demonstrate that it has implemented the environmental criteria required under the European Customs Union. The Swedish Embassy reports opening chapter 27 is a priority for Stockholm during its EU presidency and it will work with the GOT to achieve this goal.

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Birds in the Hand  
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10. (C) The Additional Ankara Protocol mandates that Turkey  
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cannot close acquis chapters until it opens its ports to Cyprus. Even then, closing a chapter requires consensus among all EU members. MFA officials, nevertheless, assure us that Turkey continues to work toward meeting the prescribed benchmarks. European diplomats report that Turkey is making satisfactory progress on chapters 4 (free movement of capital), 6 (company law), and chapter 28 (consumer and health protection), and is close to meeting all its criteria for chapters 18 (statistics) and 20 (enterprise and industrial policy). The largest impediments are fully resolving foreign ownership of property for chapter 18 (ref d) and completing mandatory steel agreements for chapter 20. Making progress on chapter 10 (information, media, and society) has more to do with general European concerns regarding freedom of speech than achieving technical requirements. Recent incidents involving the Dogan group and Darwin have only reinforced such misgivings.

11. (C) EU diplomats are generally pessimistic on Turkey's progress on chapter 7 (intellectual property). A delegation from the Directorate General of Trade came to Ankara July 7 for the first meeting of the IPR Coordination Council, theoretically one of the benchmarks that was supposed to have been met to open the chapter. The EC Delegation Commercial Counselor told us that she had to fight the GOT for months to get them to agree to this purely consultative body, reflecting a general Turkish unwillingness to even discuss the issue. A Belgian diplomat told us that at a roundtable for member state representatives, the delegation expressed a great deal of frustration with the gap between legislation and implementation. He noted that Brussels will shortly be releasing a report listing Turkey as one of the worst IPR offenders in the world on many fronts.

12. (C) The EU opened chapter 16 (taxation) on July 1, 2009

and full compliance is only required two years prior to EU entry; effectively postponing the potentially contentious tax increase on raki, the national alcoholic beverage. While Turkey is moving forward in advancing transport networks and Brussels is working Ankara to develop Turkey's energy networks vis-a-vis Nabucco and other projects as prescribed by chapter 21 (trans-European networks), the GOT is only at an early stage of preparations on telecommunications networks. Finally, Turkey continues to address the technical requirements of chapter 32 (financial control) through the adoption of a new penal code, the Public Financial Management and Control Law, and other secondary and tertiary regulations, but has done little to tackle the protection of the euro against counterfeiting aside from redesigning the Turkish Lira coin to eliminate similarities to the euro coin.

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